

REMARKS

A. Restriction Requirement

The Examiner restricted the claims into the following Groups:

- Group I: Claims 22-24, 32, 34-41, and 54, drawn to the special technical feature of a peptide, a fragment or derivative thereof, which sensitizes cells for apoptosis comprising an amino acid sequence, a medicament and kit comprising said peptide, and a method for sensitizing a cell for apoptosis using said peptide;
- Group II: Claims 25-30, 42-47, 55-57, drawn to the special technical feature of a nucleic acid coding for a peptide as defined in claim 22, a medicament and kit comprising said nucleic acid;
- Group III: Claim 31, drawn to the special technical feature of an antibody that immunospecifically binds to a peptide defined in claim 22;
- Group IV: Claim 33, drawn to the special technical feature of sensitizing a cell for apoptosis by using a nucleic acid of claim 25;
- Group V: Claims 48 and 49, drawn to the special technical feature of a method for treatment of cancer comprising administering a medicament comprising a peptide of claim 22.; and
- Group VI: Claims 50-53, drawn to the special technical feature of a method for treatment of cancer comprising administering a medicament comprising a nucleic acid of claim 25.

Applicants elect Group I, claims 22-24, 32, 34-41, and 54, drawn to the special technical feature of a peptide, a fragment or derivative thereof, which sensitizes cells for apoptosis comprising an amino acid sequence, a medicament and kit comprising the peptide, and a method for sensitizing a cell for apoptosis using the peptide, with traverse.

The Examiner further required that Applicants elect a single peptide for prosecution on the merits. In response, Applicants elect, with traverse, SEQ ID NO:127.

Applicants traverse the restriction requirement on the grounds that the search and examination of at least Groups I, II, and V is not unduly burdensome. Group II is directed to nucleic acids (corresponding to the peptides of Group I), and Group V is directed to a method of sensitizing a cell for apoptosis using such nucleic acids. Moreover,

Applicants traverse the restriction of the invention to a single peptide on the grounds that the M.P.E.P. provides that a reasonable number of sequences, e.g., up to 10, can be searched in one application.

B. Species Election

With the election of Group I, the Examiner also required an election of species for the following: (a) one species of cancer cells from those listed in claims 37 and 40 (e.g., neuroblastoma, intestine carcinoma, etc.); and (b) one species of active compounds listed in claim 41.

Applicants elect, with traverse, "melanoma" as the species of cancer cells, and "intercalating agents" as the species of cancer cells. Applicants presume that the species election is made to assist the Examiner in searching the invention, and that the Examiner will follow the procedures delineated in MPEP 809.02(c).

C. Conclusion

The present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

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even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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